

PART 162-04 WATERSHED MANAGEMENT

Watershed management integrates water quality and quantity objectives with land use management. While policy development, legal enabling authority, and environmental regulatory programs are developed at the state level, planning and land regulation are done at the local government level. Advocacy, however, occurs on a watershed scale and depends on people with expertise about rivers and knowledge of and concern about conditions in local watersheds. Fortunately, such people are widespread in Rhode Island. They act both individually and collectively through local government bodies such as planning boards, conservation commissions, and water supply authorities, and through environmental organizations, recreational groups, and river and pond associations.

Through its classifications and policies, the Rivers Council provides a framework for local action by such groups. Local watershed associations are encouraged to promote effective watershed management under the Rivers Council statute. They are urged to develop watershed management plans utilizing a multi-objective management approach. Watershed management provides an opportunity for the conservation and enhancement of the natural, cultural, and recreational river resources.

04-01 AUTHORITY OF LOCAL WATERSHED ASSOCIATIONS

Local watershed associations are bodies "corporate and politic, having a distinct legal existence from both the state and any municipalities" (*Section 46-28-8, General Laws of Rhode Island*). Watershed associations or councils have public education and advocacy roles but often serve land trust functions, as well. As bodies politic, watershed councils have standing "in all state and local administrative proceedings which impact on rivers and water quality" (*Section 46-28-8, General Laws of Rhode Island*). Local watershed councils provide recommendations as necessary to city and town administrators charged with revising local comprehensive plans to maintain consistency with river policies and classifications assigned by the Rivers Council through the State Guide Plan.

Watershed associations recognized by the Rivers Council have authority to:

- advise municipalities on public access;
- establish and support river watch and watershed stewardship programs;
- negotiate payments between two or more municipalities within the watershed for projects deemed necessary by the watershed council, subject to a majority vote of each city or town council;
- acquire, hold, use, lease, sell, transfer, and dispose of property;
- own, operate, and maintain property;

- sell, lease, convey, or otherwise dispose of to any of the municipalities within the watershed any property or improvements thereto;
- sue and be sued;
- adopt and order a corporate seal;
- adopt by-laws for the management and regulation of their affairs;
- borrow money;
- fix rates and collect charges;
- contract for any lawful purpose that will promote the policies of the Rivers Council;
- enter into cooperative agreements with other cities and towns to promote the policies of the Rivers Council;
- recommend land and water conservation programs to municipalities, consistent with the rivers policies;
- apply for, contract for, and expend any federal or state advances, grants, or assistance.

04-02 DESIGNATION OF LOCAL WATERSHED COUNCILS OR ASSOCIATIONS

The Rivers Council is charged with establishing and recognizing local watershed councils, which may be existing or new organizations. The Council recognizes that watershed planning and protection will only succeed with strong support at the local level. Organizations formed to promote and protect rivers, lakes, ponds, and estuaries and their watersheds will be encouraged and supported by the Rivers Council. As 2004, the Rivers Council has recognized nine local watershed councils/associations. The watershed areas represented by these councils are depicted in Figure 164-04(1).

04-02-01 Rivers Council Criteria for Designation of Watershed Councils

The Rivers Council's goal is to have the entire state of Rhode Island under the stewardship of designated local watershed councils. To achieve this goal, the Council will entertain, review, and act upon designation requests from local groups working within any of the watershed areas identified in this plan.

The recognition of local watershed councils will be based upon the following criteria:

1. Scale: Watershed councils must agree to advocate for the entire watershed area as designated by the Rivers Council. The Council will favor designations that evidence regional considerations and economies via organization of watershed advocacy groups on as large a watershed area as feasible. In that regard:
 - The Council will designate local groups representing watershed areas as small as HUC-12, but encourages, and will favor the designation of,

watershed groups representing HUC-10 units or aggregations of adjoining HUC-12 units (and portions thereof) that promote organizational and administrative efficiency, while advancing regional cooperation and advocacy. (e.g. aggregation of units on islands)

- The Council will avoid the designation of watershed areas that are nested within (i.e. are sub-watersheds of) larger watershed areas that have a current Council designation unless the currently designated organization provides its consent to such a designation.
- The Council will designate watershed areas smaller than HUC-12 units where it determines that more effective watershed advocacy and efficient organization and management would result. (e.g. units split by state lines or separated by a large waterbody)
- The Council, with the consent with the applicant, may include portions of adjoining watershed areas beyond those cited in the application if the adjoining areas are not represented by another local council, and, in the Council's judgment, they are unlikely to be represented due to their small size, limited population, and/or geographic isolation.

2. Structure:

- Watershed councils must be incorporated or chartered and should have tax exempt status, as appropriate.
- The watershed council must include a representative from each Rhode Island municipality in the watershed area on their governing body.

3. Mission: Watershed councils are to act as advocates for the goals and policies expressed in the *Rivers Policy and Classification Plan* (and other elements of the State Guide Plan as appropriate) as well as other objectives as decided by the local council itself. At a minimum, the watershed council must:

- develop a Watershed Action Plan,
- include public education as a significant part of their organization's mission, and
- demonstrate a strategy for participation in public policy deliberations affecting the watershed.

4. Organizational Sustainability and Capacity: The Rivers Council will favor designations for those organizations that can demonstrate their ability to acquire the resources necessary to fulfill their mission. In that regard:

- Watershed councils must demonstrate their ability to raise funds
- Watershed councils must demonstrate their ability to recruit and utilize volunteers.

Figure 162-04(1)

04-02-02 Procedure for Designation of Watershed Councils

The process for designating watershed councils shall consist of the following:

1. The Rivers Council will solicit applications for designation of local watershed councils, and the solicitation shall include the designation criteria. A copy of the solicitation, with an explanatory letter, will be sent to the chief executives of the communities within the watershed. There will be a 60-day deadline for response to the solicitation.
2. Following the deadline, the Rivers Council shall have 60 days to review the applications for completeness and conformity with the criteria established in Section 04-02-01 of the Rivers Plan.
3. Once qualified, the Rivers Council shall notify the applicants, as well as the chief executives of the affected communities of the status of each request for designation.
4. In accordance with the guidelines established under the Administrative Procedures Act, the Rivers Council shall hold a public hearing on the proposed designations.
5. The Rivers Council shall adopt, by rule, a list of duly designated local watershed councils.
6. Watershed council designations shall be reviewed by the Rivers Council and renewed, if appropriate, at least once every five years.

04-02-03 Submission of Annual Reports

Once designated, watershed councils will be required to submit a brief annual report to the Rivers Council. The annual report shall include the following information:

- a) organizational status, including membership;
- b) activities of the watershed council for the year;
- c) overview of the status of the watershed, including a review of river classifications and the application of river policies;
- d) financial statement;
- e) any other material additionally requested by the Council.